

*IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

TIMOTHY DUNCAN SYKES,

Case No. 3:15-BK-33350 SHB

Chapter 7

Debtor.

TRUSTEE'S APPLICATION TO EMPLOY AUCTIONEER

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to E. D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at Howard H. Baker, Jr. U.S. Courthouse, 800 Market Street, Suite 330, Knoxville, TN 37902, an objection within 21 days from the date this paper was filed and serve a copy on the movants' attorney, Michael H. Fitzpatrick, Esquire, QUIST, CONE & FITZPATRICK, PLLC, 2121 First Tennessee Plaza, Knoxville, TN 37929-9711, or mhf@qcflaw.com. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Comes Michael H. Fitzpatrick, Trustee, pursuant to 11 U.S.C. §327(a) and Fed. R. Bankr. P. 2014 and 6005, and hereby makes application to the Court to employ an auctioneer for the sale of certain assets of this estate. The following is submitted in support of the Trustee's application:

1. Michael H. Fitzpatrick is the duly appointed and qualified Trustee in this case.
2. He desires to sell, at public auction, the personal property consisting of collectables and other personal property assets of the estate.
3. He has the authority, under 11 U.S.C. §327(a) and Fed. R. Bankr. P. 2014 and 6005 to employ an auctioneer with the Court's approval.
4. He desires to employ Powell Auction & Realty Company for said auction. To the best of the applicant's knowledge, the proposed auctioneer has no connection with the debtor, creditors, or

any other party in interest, their respective attorneys and accountants. Further the Trustee believes said auctioneer to be a disinterested person under the provisions of 11 U.S.C. §101(14).

5. The Trustee proposes to employ Powell Auction & Realty Company for a fee of 10% buyers commission of the gross sales receipts plus actual expense not to exceed \$1,500.00. There may be more than one sale of the estate's personal property depending on the cooperation of the debtor.

WHEREFORE, the undersigned Trustee requests the Court's approval to employ Powell Auction Company, upon the terms and conditions stated above nunc pro tunc to the filing of this application.

/s/ Michael H. Fitzpatrick
MICHAEL H. FITZPATRICK, Trustee
BPR No. 006033

QUIST, CONE & FITZPATRICK, PLLC
2121 First Tennessee Plaza
Knoxville, TN 37929-9711
Phone: (865) 524-1873 ext. 222
mhf@qcflaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application, Affidavit and Proposed Order was mailed, by U. S. Mail postage prepaid, to the persons shown below at the indicated addresses:

U.S. Trustee
Via ECF

Powell Auction & Realty Company
6729 Pleasant Ridge Road
Knoxville, TN 37921

All parties in interest as shown on the attached list.

This April 21, 2016

/s/ Michael H. Fitzpatrick
Attorney